

United States District Court  
Northern District of Texas  
Amarillo Division

SPECTRUM WT, *et al.*,  
*Plaintiffs*,

v.

WALTER WENDLER, *et al.*,  
*Defendants*.

Case 2:23-cv-00048-Z

**EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

SPECTRUM WT, *et al.*,

Plaintiffs,

V.

WALTER WENDLER, *et al.*

Defendants.

§ § § § § § § §

CIVIL ACTION  
NO. 2:23-CV-048-Z

STATE OF TEXAS §

Brazos County §

## DECLARATION OF WILLIAM (“BILLY”) C. HAMILTON

Pursuant to 28 U.S.C. § 1746, I, William (“Billy”) C. Hamilton, declare the following:

1. My name is Billy Hamilton. I am over eighteen (18) years of age and competent to make the following statement. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am the Deputy Chancellor and Chief Financial Officer for The Texas A&M University System ("A&M System"). In my role as Deputy Chancellor and CFO for A&M System, I report directly to the chancellor and am responsible for assisting with the development, implementation and coordination of A&M System operations, plans, goals, programs, policies and services, with special attention to the

management of financial operations. I also have direct oversight for all A&M System departments. I have served in this role since 2013.

3. The A&M System was created by the Texas Legislature and the Board of Directors of the Agricultural and Mechanical College of Texas in 1948 as a land-grant university system consisting of system administration and several universities and agencies of higher education. The A&M System currently is one of the largest systems of higher education in the nation, with a budget of \$7.2 billion. The A&M System is comprised of a statewide network of 11 universities, a comprehensive health science center, eight state agencies, and the RELLIS Campus. The A&M System's role, as distinguished from its component institutions and agencies, is governed by the Texas Education Code (chiefly §§ 51.352-Institution of Higher Education Governing Boards, 51.353-University System Administration, 85.11-A&M System Board of Regents, and 85.17-A&M System Central Administration Office). Responsibilities include system-wide planning, coordination, and execution of the policies of the A&M System Board of Regents ("Board of Regents").

4. The A&M System is governed by a nine-member Board of Regents, appointed by the governor and confirmed by the Texas Senate for six-year terms. A non-voting student member was added in 2006. The chancellor of A&M System, who is part of the A&M System Central Administration Office, is responsible for the general management of the A&M System and day-to-day operations of the A&M System Central Administrative Office. John Sharp was appointed Chancellor of the A&M System by the Board of Regents in 2011. In this role, Chancellor Sharp is

responsible, among other things, for the representation of the A&M System and advising the Board of Regents on the overall goals, purposes, role and scope for the A&M System, establishing and promulgating basic policies, supervising approval of annual operating budgets and biennial legislative submissions of the A&M System, and representing the A&M System in all areas of public affairs, including before the legislature, the Texas Higher Education Coordinating Board, and other state, federal and local agencies.

5. Each of the component universities and agencies of the A&M System has its own leadership, mission, history and goals. Many of the component universities joined the A&M System decades after being established. The oldest institution and founding member of the A&M System is Texas A&M University, established in 1876. The other component universities consist of:

- a. Prairie View A&M University (established 1876, joined A&M System 1973),
- b. Texas A&M University-Commerce (established 1889, joined A&M System 1996),
- c. Tarleton State University (established 1899, joined A&M System 1917),
- d. Texas A&M University-Kingsville (established 1925, joined A&M System 1989),
- e. Texas A&M University-Corpus Christi (established 1947, joined A&M System 1989),



- f. Texas A&M International University (established 1970, joined A&M System 1989),
- g. Texas A&M University-Texarkana (established 1971, joined A&M System 1996),
- h. Texas A&M University-Central Texas (established 1999, joined A&M System 2009),
- i. Texas A&M University-San Antonio (established 2000, joined A&M System 2009), and
- j. West Texas A&M University (established 1910, joined A&M System 1990).

6. Each component university is a stand-alone legal entity, with its own colleges, departments, and offices (including separate admissions); faculty and staff; and duly appointed university president, who acts as the chief executive officer of that particular university.

7. Each university president provides general supervision of all personnel employed by or assigned to the component university, and coordinates the planning, development and operation of all activities and programs of the component university under the president's authority. Component university presidents are appointed by the Board of Regents on the recommendation of the Chancellor, and they serve the Chancellor and Board of Regents through their overall leadership and strategic planning at their respective universities.


8. University presidents ultimately report to the Chancellor and the Board of Regents. The Chancellor conducts annual evaluations of each component university president and assists each president in the achievement of annual or multi-annual performance goals. The Chancellor confers with the Board of Regents as part of this annual performance evaluation process. However, neither A&M System, the Chancellor, nor the Board of Regents has any direct oversight or involvement in the day-to-day operations, activities or programs of the component universities. Furthermore, neither the Chancellor nor the Board of Regents possesses general “veto power” over the daily decisions of university presidents within the A&M System.

9. Official actions taken by the Board of Regents, each component (including the A&M System Central Administration Office) and the component’s respective administrators, employees, agents and students are governed by applicable federal and state laws, board bylaws, system policies, system regulations, and component rules and procedures. The Chancellor must consult with the Board of Regents on employment actions involving component university presidents. According to its governing bylaws and Texas law, the Board of Regents can only act through a majority vote in an open meeting (see Tex. Gov’t Code ch. 551), which requires following statutory procedures such as posting its agenda on the Secretary of State’s website for 72 hours prior to the meeting (see Board Bylaws, available at: <https://www.tamus.edu/regents/bylaws/>). No individual regent has the authority to direct A&M System or component university employees to take any particular action.

10. The Board of Regents has not held a meeting since Dr. Walter Wendler, president of West Texas A&M University ("WT"), submitted a memorandum to WT students, faculty and staff canceling an on-campus drag show charity event in March 2023. The next-scheduled Board meeting is May 17-19, 2023.

11. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 4, 2023.

  
BILLY HAMILTON